

To: ☒ Office of Planning and Research
For U.S. Mail: Street Address:
P.O. Box 3044 1400 Tenth St.

Sacramento, CA 95812-3044

From: (Public Agency) California Department of
Water Resources
Address: 3500 Industrial Blvd.
West Sacramento CA 95691
Contact: Michael Hendrick
Phone: 916-376-9745

☐ County Clerk
County of: _____
Address: _____

Lead Agency (if different from above):
Address: _____
Contact: _____
Phone: _____

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21052 of the Public Resources Code.

State Clearinghouse Number (if submitted to State Clearinghouse): 2003011118

Project Title: Monterey Amendment to the State Water Project Contracts (Including Kern Water Bank Transfer) and Associated Actions as Part of a Settlement Agreement (Monterey Plus)

Project Location (include county): See attached project description.

Project Description: See attached project description.

This is to advise that the California Department of Water Resources decided to carry out the above described project on

☒ Lead Agency or ☐ Responsible Agency

May 4, 2010 and has made the following determinations regarding the above described project:

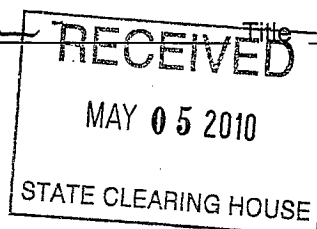
1. The project [☒ will ☐ will not] have a significant effect on the environment.
2. ☒ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
☐ A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [☒ were ☐ were not] incorporated as part of the project.
4. A mitigation reporting or monitoring plan [☒ was ☐ was not] adopted for this project.
5. A statement of Overriding Considerations [☒ was ☐ was not] adopted for this project.
6. Findings [☒ were ☐ were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval is available to the General Public at: See attached list of locations.

Signature (Public Agency) [Signature]

Date 5/4/2010

Date received for filing at OPR:



Project Description: The Monterey Plus proposed project is to continue operation under the existing Monterey Amendment to the State Water Project long-term water supply contracts (including the Kern Water Bank transfer) and the existing Settlement Agreement entered in *PCL v. DWR* (including the Attachment A

Notice of Determination

amendments to the State Water Project long-term water supply contracts) in accordance with the terms of those documents as previously executed by the Department and other parties to those documents.

The primary elements of the Monterey Amendment are:

- Altered water allocation procedures. Shortages and surpluses are shared among contractors in proportion to their Table A amounts. During shortages, agricultural contractors would no longer be subject to cuts in supply before municipal contractors;
- Permanent transfers of Table A amount. Agricultural contractors agree to transfer 130,000 acre-feet (AF) of Table A amount to municipal contractors and 45,000 AF of Table A amount would be permanently retired;
- Transfer of ownership of approximately 20,000 acres of land known as the Kern Fan Element (KFE) from the Department to Kern County Water Agency (KCWA);
- Facilitation of several water supply management practices including storage of SWP water outside contractors' service areas, borrowing of water by contractors from Castaic Lake and Lake Perris, and establishment of a turnback pool to promote transfers of SWP water from contractors with excess allocated Table A amounts to contractors with a need for water; and
- Restructuring of rates for financing the SWP and using its facilities, including the establishment of a trust fund to help agricultural contractors meet their SWP financial obligations during water shortages.

The primary elements of the Settlement Agreement are:

- Better information on SWP reliability by substituting "Table A amount" for "entitlement" in the SWP contracts and by implementing new procedures for disclosure of SWP delivery reliability;
- More public review of major SWP actions by issuing guidelines for review of permanent transfers of Table A amounts, and issuing principles for public participation in negotiations for project-wide long-term water supply contract amendments and Table A transfers;
- Table A transfers completed prior to the Settlement Agreement would remain in place;
- Assurance regarding the KFE transfer including confirmation of title to KFE Lands; placement of restrictions on the use of KFE Lands; and an independent study of some Kern Water Bank (KWB) operations;
- Establishment of a watershed forum and funding for Plumas County Flood Control and Water Conservation District (Plumas County) to pursue watershed restoration, and amendment of Plumas County's SWP contract with respect to allocation to SWP water;
- Providing specified amounts of funding to the plaintiffs for multiple purposes.

Project Location: The proposed project is primarily an administrative action and does not have a specific physical location. However, the effects of the administrative action could be felt over large areas of the state. For the purposes of the assessment of impacts, the project area consists of the State Water Project (SWP) facilities, the Sacramento-San Joaquin Delta, rivers tributary to the Delta, the SWP service area, the SWP contractor service areas and any other areas that could be influenced by the proposed project. Site-specific portions of the project include watershed areas of Plumas County, the Lake Davis area of Plumas County, Castaic Lake and Lake Perris and the Kern Fan area of Kern County.

Notice of Determination

Copies of the final EIR with comments and responses and record of project approval are available to the General Public and are available for review by request from the Department or on the Department's website at http://www.water.ca.gov/environmentalservices/monterey_plus.cfm and at the following locations:

Mitigation Restoration Branch
Division of Environmental Services
Department of Water Resources
3500 Industrial Blvd.
West Sacramento, CA 95691
Phone: (916)376-9745

Kern County Library System
701 Truxtun Avenue
Bakersfield, CA 93301-4816
Phone: (661)868-0770
Fax: (661)868-0799

Fresno County Public Library
2420 Mariposa Street
Fresno, CA 93721-2285
Phone: (559)488-3195
Fax: (559)488-6735

Orange County Public Library
Garden Grove Regional Branch
11200 Stanford Avenue
Garden Grove, CA 92840-5318
Phone: (714)530-0711
Fax: (714)530-0961

Los Angeles Public Library Central Library
630 West 5th Street
Los Angeles, CA 90071-2002
Phone: (213)228-7000
Fax: (213)228-7309

Napa City-County Library
580 Coombs Street
Napa, CA 94559-3340
Phone: (707)253-4235
Fax: (707)253-4615

Riverside Public Library
3581 Mission Inn Avenue
Riverside, CA 92501-0468
Phone: (909)826-5212
Fax: (909)788-1528

California State Archives
1020 O Street
Sacramento, CA 95814
Phone: (916)653-2246
Fax: (916)653-7363

Notice of Determination

Sacramento Public Library Central Library
828 I Street
Sacramento, CA 95814-2589
Phone: (916)264-2920
Fax: (916)264-2988

San Diego Public Library Central Library
820 E Street
San Diego, CA 92101-6478
Phone: (619)236-5813
Fax: (619)236-5814

San Francisco Public Library
100 Larkin Street
San Francisco, CA 94102-4705
Phone: (415)557-4500
Fax: (415)557-4475

Public Library of Stockton and San Joaquin County
605 North El Dorado Street
Stockton, CA 95202
Phone: (209)937-8221
Fax: (209)937-8547

Tulare County Free Library
200 West Oak
Visalia, CA 93291
Phone: (559)733-6954

San Luis Obispo City-County Library
995 Palm St.
San Luis Obispo, CA 93401
Phone: (805)781-5989